

Serial No. 10/719,524
60,130-1905
03MRA0373

REMARKS

Applicant wishes to thank the Examiner for the detailed remarks and the allowability of claims 11,13, 16-18. Claim 17 has been canceled. Claim 15 has been amended. Accordingly, claims 1-16 and 18 are pending.

Claims 1, 3-5, and 7-10 were rejected under 35 U.S.C. §102(b) as being anticipated by *Hatass*. Applicant respectfully traverses this rejection. Claim 1 recites "a closure member leading edge of said closure member passes over said resilient member." The *Hatass* closure member leading edge seal 7 does not pass over the air guide 13 as the sealing lip 21 is actually pushed forward and away from the leading edge seal 7 [see Figure 2]. In fact, *Hatass* operate quite differently in that slide blocks 19 engage stirrup springs 16 to deflect the air guide 13.

Claim 3 recites that "said resilient member is at least partially hollow." The Examiner suggests that item 14 is a hollow. Item 14 is identified by *Hatass* as a rigid bar. In actuality, the resilient member 13 of *Hatass* is solid. The "hollow" is just a clearance space formed when mounting the rigid bar 14 and the air guide 13 [see Figure 7 where the "hollow" is also identified as a seating pocket 24].

Claim 4 recites that "said resilient member is bendable in response to contact with said closure member." The *Hatass* resilient member 13 is never contacted by the closure member 5.

Claim 7 recites "deforming the resilient member from the first configuration in response to contact with the closure member." Again, the *Hatass* resilient member 13 leading edge is never contacted by the closure member 5.

Claims 7-10 were rejected under 35 U.S.C. §102(b) as being anticipated by *Grimm* or *Graf*. Applicant respectfully traverses this rejection. Applicant is not arguing that *Grimm* or *Graf* do not deflect airflow when extended but that both *Grimm* and *Graf* provide a closed position in

Serial No. 10/719,524
60,130-1905
03MRA0373

which the closure member does not pass over the resilient air deflector member but just partially compresses it.

Claim 15 was rejected under 35 U.S.C. §102(b) as being anticipated by *Graf*. Claim 15 recites “folding the resilient member in opposition to an airflow direction as the closure member passes *completely over the resilient member* as the closure member moves along the closure path.” The *Graf* closure member *does not pass completely over the resilient air deflector member* but just partially compresses it. Please note that the resilient component in *Graf* is all one complex piece and portion 2 always remains exposed. Furthermore, portion 1 is hardly triangular in cross-section.

Claims 1-5, and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Graf* in view of *Raasakka*. Applicant respectfully traverses these rejections as there is absolutely no teaching, suggestion, or motivation to modify *Graf* in view of *Raasakka*, as proposed. The Examiner suggests that it would have been obvious to provide *Graf* a seal on the leading edge of the closure as taught by *Raasaka* to mate with a frame seal 24 and hence the frame itself to provide a softer contact and less wear with either seal 2 or resilient member 1 of *Graf*. *Graf* already includes a forward seal portion to receive the closure member 6. Elimination of the seal 2 of *Graf* removes a perfectly acceptable seal arrangement in favor of the seal arrangement on the leading edge of the closure as taught by *Raasaka*. In either case there is no reason or benefit for the proposed combination. The only motivation to make the combination as proposed is by following the knowledge disclosed within the present invention. This is impermissible usage of Hindsight in an attempt to recreate Applicants device. The claims are properly allowable.

Even if the combination were properly made, there are differences between the claimed invention and the teachings of the cited references so that the combination does not meet the limitations of Applicant's claims.

Serial No. 10/719,524
60,130-1905
03MRA0373

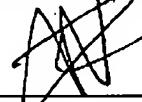
Claim 3 recites that "said resilient member is at least partially hollow." As explained above, the "hollow" of *Hatass* is a space formed when mounting the rigid bar 14 and the air guide 13 [see Figure 7 where the "hollow" is also identified as a seating pocket 24]. *Raasakka* adds nothing to *Hatass*, as *Raasakka* utilizes a spring biased rigid airflow wind deflector 38.

No fees are believed due. If any fees or extensions of time are required, please charge to Deposit Account No. 50-1482.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.



DAVID L. WISZ
Registration No. 46,350
Attorneys for Applicant
400 West Maple, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: December 20, 2004

N:\Clients\MERITOR\P01905\PATENT\RAmnd1905-08-23-2004..doc